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UNITED STATES DISTRICT COURT**DISTRICT OF NEVADA**

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BOARD OF TRUSTEES OF UNITE HERE
 HEALTH; BOARD OF TRUSTEES OF
 SOUTHERN NEVADA CULINARY AND
 BARTENDERS PENSION TRUST; BOARD
 OF TRUSTEES OF SOUTHERN NEVADA
 JOINT MANAGEMENT AND CULINARY
 AND BARTENDERS TRAINING FUND;
 BOARD OF TRUSTEES OF CULINARY AND
 BARTENDERS HOUSING PARTNERSHIP;
 BOARD OF TRUSTEES OF CULINARY AND
 BARTENDERS LEGAL SERVICE FUND,

Plaintiffs,

vs.

BUCA (EX), LLC, a Florida limited-liability
 company dba Buca di Beppo; NEW CASTLE,
 LLC, a Nevada limited-liability company fka
 New Castle Corp. dba Excalibur Hotel &
 Casino; JOHN DOES I-XX, inclusive; and
 ROE ENTITIES I-XX, inclusive,

Defendants.

CASE NO.: 2:23-cv-01016-RFB-NJK

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER****SUBMITTED IN COMPLIANCE
WITH LR 26-1(b)**

Date: N/A
 Time: N/A

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1, the Plaintiffs, the Board of Trustees of UNITE HERE Health, *et al.* (collectively, the "Plaintiffs"), and Defendants Buca (Ex), LLC ("Buca") and New Castle, LLC (the "Hotel"), each acting by and through their undersigned counsel, hereby submit their Stipulated Discovery Plan ("Plan"), as follows:

1 I. Preliminary Information

2 The Plaintiffs filed the Complaint on June 30, 2023 [ECF No. 1]. The Hotel filed its
3 Answer to the Complaint on August 15, 2023 [ECF No. 11]. As of the date this Plan was filed,
4 Buca has not filed an Answer to the Complaint or other responsive pleading. The Plaintiffs, the
5 Hotel and Buca (collectively, the “Parties”) conducted a discovery-planning conference
6 pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1 on **September 7, 2023**.

7 II. Information Required Under Fed. R. Civ. P. 26(f)

8 1. Initial Disclosures. The Parties will exchange Initial Disclosures in accordance
9 with Fed. R. Civ. P. 26(a)(1) on or before **September 21, 2023**.

10 2. Areas of Discovery. The Parties anticipate Discovery will be required in the
11 following areas:

12 a. The facts and circumstances that will enable the Court to determine the
13 validity of the allegations of Plaintiffs’ Complaint;

14 b. The facts and circumstances that will enable the Court to determine the
15 validity of any affirmative defenses asserted by the Defendants; and

16 c. Production of documents and/or deposition testimony from the Plaintiffs,
17 the Hotel, Buca, collective bargaining parties, employees, auditors and local union
18 officials, agents, employees and/or representatives may be required.

19 The forgoing list is not exhaustive and any party may propound Discovery as allowed
20 by the Federal Rules of Civil Procedure, the Local Rules of the Court and this Order. Each of
21 the Parties reserves the right to object, as may be appropriate, to any specific discovery request
22 in the topics set forth above, and their topical inclusion shall not serve as a waiver of any such
23 objection. The Parties reserve any general Discovery matters as needed.

24 3. Completion of Discovery. The Parties anticipate that Discovery focused on the
25 above issues can be completed within **180 days** from the date on which the first defendant
26 appeared in this action (August 15, 2023), which is no later than **February 12, 2024**.

27 4. Orders under Fed. R. Civ. P. 26(c) and 16(b) and (c). The Parties are not at this
28

time aware of any other matter or order that should be entered under these Rules.

III. Information Required Under LR 26-1(b) and LR 26-3

1. Discovery Cut-Off Date. Discovery shall be completed by **February 12, 2024**.
Stipulations or motions to extend the time for discovery shall be filed not later than twenty-one (21) days prior to the subject deadline and shall comply with LR 26-3.

2. Amending the Pleadings and Adding Parties. Motions to amend pleadings, or to add parties, shall be filed not later than ninety (90) days prior to the close of Discovery, or **November 14, 2023**.

3. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts). The Parties will disclose experts, if any, not later than sixty (60) days prior to the close of Discovery, or **December 14, 2023**.
Rebuttal experts shall be disclosed within thirty (30) days after the initial disclosure of experts and no later than **January 15, 2024**.

4. Dispositive Motions. The Parties will file Dispositive Motions not later than thirty (30) days after the Discovery Cut-Off Date, or **March 13, 2024**.

5. Pretrial Order. The Parties shall file the joint Pretrial Order no later than thirty (30) days after the date set for filing Dispositive Motions, or **April 12, 2024**. If the parties file Dispositive Motions, then the duty to submit a Pretrial Order shall be suspended until thirty (30) days after the final decision on the Dispositive Motions or further Order of the Court.

6. Fed. R. Civ. P. 26(a)(3) Disclosures. All disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be included in the Pretrial Order.

7. Alternative Dispute Resolution. The Parties hereby certify that they met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and if applicable, early neutral evaluation.

8. Alternative Forms of Case Disposition. The Parties hereby certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01).

9. Electronic Evidence. The Parties hereby certify that they discussed whether

they intend to present evidence in electronic format to jurors for the purpose of jury deliberations. The Parties have not reached any stipulations in this regard at this time

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DATED: September 8, 2023

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DATED: September 8, 2023

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DATED: September 8, 2023

IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

DATED: September 11, 2023

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